

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3807 of 2019**

- Satyaprakash Lahre @ Satya S/o Jayram Lahre Aged About 35 Years R/o Village Kaneri, Police Station Chakarbhatha, Tahsil And District - Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Chakarbhatha, Civil And Revenue District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant : Shri Kaushal Yadav, Advocate.
For Non-applicant : Shri Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

17.06.2019

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicant was dismissed as withdrawn by this Court on 12.04.2019 in MCRC No. 2133 of 2019.
3. Perused the Case Diary provided by the learned counsel for the State in connection with crime No. 34/2019 registered at Police Station – Chakarbhatha, District - Bilaspur (C.G.) for the offence punishable under Section 34(2), 59(A) of the Excise Act.
4. Case of the prosecution, in brief is that on 17.03.2019 10 bulk litres of hand made country liquor was seized from the possession of the applicant.
5. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application and submitted that 8 other criminal cases have been registered against the applicant, out of which 7 are under IPC and 1 is under Arms Act.
7. Learned counsel for the applicant further submitted that the applicant has already remained in jail in connection with aforesaid cases for about 8 years, seizure witnesses have turned hostile, thus he may be released on bail.
8. Turning hostile of the seizure witnesses is itself not a ground to release the accused on bail. There is no change in the circumstance.
9. Looking to the above mentioned facts and circumstances of the case, looking to the fact that 8 other criminal cases have been registered against the applicant, the present bail application is rejected.
10. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE